

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ALD SOCIAL LLC,

Plaintiff,

V.

VERKADA INC.,

Defendant.

Civil Action No. 6:22-cv-00975-FB

**DECLARATION OF DERVILLA LANNON IN SUPPORT OF
DEFENDANT VERKADA INC.'S MOTION TO TRANSFER VENUE
TO THE NORTHERN DISTRICT OF CALIFORNIA**

I, Dervilla Lannon, hereby declare:

1. I have been employed by Defendant Verkada Inc. (“Verkada”) since March 2020. I am Verkada’s Vice President of People. I am based out of Verkada’s San Mateo office, and I reside in San Mateo County, California. As part of my job responsibilities, I am primarily responsible for leading, overseeing, and managing Verkada’s human resources functions. I have conducted an investigation into the locations of Verkada’s facilities and employees as relevant to the claims here. I have confirmed the facts below through my own investigation, including through interviews with individuals with knowledge as set forth below. I declare that the following statements are true to the best of my knowledge, information, and belief, formed after a reasonable inquiry. If called upon to testify, I could and would competently testify thereto.

2. I provide this declaration in support of Verkada’s Motion to Transfer Pursuant to 28 U.S.C. § 1404(a) in the above-captioned case. Unless otherwise indicated, the statements made in this declaration are provided based on my personal knowledge, or based on my reasonable search and investigation from corporate records maintained by Verkada in the ordinary course of business and/or from communications with relevant Verkada employees.

The Company

3. Verkada is a Delaware corporation with its headquarters and principal place of business in San Mateo, California, a city located in the Northern District of California.¹ Verkada was founded in 2016 in Menlo Park, California (which is also in the Northern District of California), by three Stanford University graduates and one Massachusetts Institute of Technology

¹ The Northern District of California is comprised of the following counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Sonoma. See <https://pacer.uscourts.gov/file-case/court-cmecf-lookup/court/CANDC> (“Counties in this District”).

graduate. In October 2016, Verkada moved its headquarters (and principal place of business) to San Mateo, where it remains to this day.

4. There are approximately 833 employees currently working in Verkada's San Mateo office, comprising approximately 60.4% of its 1,378 employees as of November 2022. No other Verkada office has close to as many full-time employees.

5. All employees on Verkada's engineering and finance teams work in the San Mateo office. None of these employees work from Texas. Further, all of Verkada's marketing team also work in the San Mateo office—except for one marketing event coordinator who works in the Austin office but whose managers all work in San Mateo and a small regional marketing team in Verkada's London office. The marketing employees outside of Verkada's San Mateo office are broadly involved with marketing Verkada's products and services and have no unique knowledge of the Accused Functionality.

6. In or around February 2021, Verkada established an office in Austin, Texas. Approximately 113 of Verkada's employees work in the company's Austin office as of November 2022, comprising approximately 8.2% of Verkada's employees.

7. Most of the employees in Verkada's Austin office—110 out of the 113 employees—are part of the sales team. Of the three other employees not on the sales team in the Austin office, two are part of the Orders team (which handles order fulfillment) and the third (as mentioned above) is an events coordinator on the marketing team. The events coordinator works on organizing sales events throughout the United States—not just in Texas. Only one Austin office sales team employee has worked remotely from Waco, as of November 2022. None of Verkada's employees in the Austin office are part of the engineering or finance teams. The sales, marketing,

and Orders teams are managed out of the San Mateo office, with some employees located in smaller offices throughout the United States—including the Austin office.

Accused Functionality

8. I understand that on September 16, 2022, Plaintiff ALD Social LLC (“ALD Social”), filed a complaint in the Western District of Texas, Waco Division, naming Verkada as the Defendant. I understand that the case was reassigned to Judge Fred Biery in the San Antonio Division of the Western District of Texas. I understand that ALD Social is alleging infringement of the following patents: U.S. Patent No. 9,198,054 and U.S. Patent No. 9,402,158. I understand that ALD Social’s complaint is directed to “Verkada’s Crowd Notifications system.” (Dkt. 1 at ¶ 16.) The Crowd Notifications system is one optional feature of the broad security camera management services Verkada offers to potential customers.

9. Throughout my declaration, I use the phrase “Accused Functionality” to refer to Verkada’s Crowd Notifications functionality. I have identified the teams responsible for the research, development, marketing of, and financial information relating to the Accused Functionality, as described below.

Engineering, Design, and Development of the Accused Functionality

10. The Accused Functionality was released in or around June 2020. It was developed during the first half of 2020 in Verkada’s San Mateo office. During the period over which the Accused Functionality was developed and released, Verkada did not have an office or any employees in Texas.

11. The Accused Functionality was originally developed by two engineers in the San Mateo office. A team of seven engineers in the San Mateo office is currently responsible for maintaining the Accused Functionality. All decision-making relating to the design, development,

and operation of the Accused Functionality occurs in Verkada's San Mateo office. No one in Verkada's Austin office developed or has been responsible for maintaining the Accused Functionality. For example, an update to the Accused Functionality in early 2022 was developed in Verkada's San Mateo office. At least the following current or former Verkada employees have relevant knowledge regarding the design, development, and operation of the Accused Functionality:

- a. **Brandon Davito** is Vice President of Product at Verkada. Mr. Davito manages all Product teams at Verkada—including the team responsible for the Accused Functionality. Mr. Davito joined the company in or around November 2018. Since he became a Verkada employee, Mr. Davito has been based in Verkada's San Mateo office in the Northern District of California. All Product teams Mr. Davito manages are also based in Verkada's San Mateo office. No one on the Product teams is or has been based in Texas.
- b. **David Mwaura** is an engineer at Verkada. Mr. Mwaura is one of the two engineers who originally developed the Accused Functionality. Currently, Mr. Mwaura is also the manager of the team responsible for maintaining the Accused Functionality. Mr. Mwaura joined the company in or around November 2019. Since he became a Verkada employee, Mr. Mwaura has been based in Verkada's San Mateo office in the Northern District of California. Each member of Mr. Mwaura's team is also based in the San Mateo office. No one on Mr. Mwaura's team is or has been based in Texas.
- c. **Diana Poon** was an engineer at Verkada. Ms. Poon is one of the two engineers who originally developed the Accused Functionality. Ms. Poon joined the company in November 2019 and left in or around August 2020. While a Verkada employee, Ms.

Poon was based in Verkada's San Mateo office in the Northern District of California.

Ms. Poon's LinkedIn indicates that she is still located in the San Francisco Bay Area.

(Ex. 1.)

12. I understand that Verkada's customers can choose to have the Accused Functionality enabled or disabled on their cameras. As of November 10, 2022, based on location data provided by Verkada's customers, there are approximately 2,263 Crowd Notification-enabled cameras located in California and approximately 679 Crowd Notification-enabled cameras in Texas. These cameras are a fraction of the approximately 430,000 cameras using Verkada's services worldwide—only approximately 11,000 of which have Crowd Notifications enabled.

Finance, Marketing, and Sales of the Accused Functionality

13. Verkada's marketing and finance teams are managed out of Verkada's San Mateo office. At least the following employees have relevant knowledge regarding marketing and financial accounting related to the Accused Functionality:

a. **Idan Koren** is the Vice President of Marketing at Verkada. Mr. Koren joined the company in or around August 2018. Since he became a Verkada employee, Mr. Koren has been based in Verkada's San Mateo office in the Northern District of California. All of the marketing employees whom Mr. Koren manages are also based in Verkada's San Mateo office—except for the one events coordinator in the Austin office mentioned above and the regional marketing team in London.

b. **Tim Wilcox** is the Vice President of Finance at Verkada. Mr. Wilcox joined the company in or around September 2018. Since he became a Verkada employee, Mr. Wilcox has been based in Verkada's San Mateo office in the Northern District of

California. All finance employees Mr. Wilcox manages are also based in Verkada's San Mateo office. No one on Mr. Wilcox's team is or has been based in Texas.

14. Verkada's sales team has representatives throughout Verkada's offices, including 369 employees in the San Mateo office and 110 employees in the Austin office. The Accused Functionality is one feature of the software platform Verkada offers to customers, so the Accused Functionality is part of what representatives located in any of Verkada's offices sell to customers. No sales representatives in any office have unique knowledge about the design or operation of the Accused Functionality. Rather, they sell the Accused Functionality as part of Verkada's software platform just like sales representatives in any other office.

15. **Ryan Bettencourt** is Vice President of Sales at Verkada and oversees Verkada's global sales team. Mr. Bettencourt joined Verkada in or around June 2018 and has always been based in its San Mateo office.

Locations of Potentially Relevant Information

16. Based on my investigation, as described above, the Accused Functionality was designed and developed in Verkada's San Mateo office. I have not identified any information suggesting that the Accused Functionality was designed or developed in Texas. In fact, the Accused Functionality predates Verkada's Austin office. Based on my investigation, the engineering, marketing, and finance teams supporting the Accused Functionality are based in the San Mateo office (except for the one events coordinator in the Austin office and the regional marketing team in London, who are broadly involved with marketing Verkada's products and services and have no unique knowledge of the Accused Functionality). Further, the marketing and sales teams are managed from and primarily based in the San Mateo office.

17. Additionally, based on my investigation, Verkada's servers are located in Oregon.

18. The documentation and information covering the design, development, and operation of the Accused Functionality, as well as the marketing of the Accused Functionality and financial documents regarding the Accused Functionality, are created and maintained by employees in Verkada's San Mateo office. In particular, the source code for the Accused Functionality software is and always has been maintained in Verkada's San Mateo office.

19. Documents concerning the design, development, and operation of the Accused Functionality, as well as any marketing and finance documentation for the Accused Functionality, will be collected by Verkada's legal and People teams, which are based out of Verkada's San Mateo headquarters.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in San Mateo, California, on this 16th day of November 2022.

/s/ Dervilla Lannon
Dervilla Lannon